

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP 10006 (File No. PLN11-0077)

WHEREAS, an application was made on March 15, 2011 by Alameda Waterfront Development Investors I, LLC (AWDI) c/o SRM Associates requesting approval of Tentative Parcel Map TM 10006 for the subdivision of an 11 acre parcel into 4 parcels for a proposed development of four office buildings and associated parking, landscaping and other improvements at the northernmost end of Harbor Bay Parkway, and;

WHEREAS, the subject property is designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-M-PD, Commercial, Manufacturing, Planned Development, Zoning District; and

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, the City Council on April 4, 1989, approved an Addendum to the Final Environmental Impact Report of the Harbor Bay Isle Development; and

WHEREAS, the Board held a public hearing on June 13, 2011 and examined pertinent maps, drawings, and documents; and

WHEREAS, the Board made the following findings:

1. The proposed subdivision is in substantial conformance with the General Plan and Planned Development for Village V, Harbor Bay Isle, which specifies commercial development for this site as part of the Business Park land use designation.
2. The Tentative Map is in substantial conformance with the land uses, development regulations, parking standards, and park and open space guidelines established in the approved Planned Development for Village V, Harbor Bay Isle (PD-81-2).
3. The site is physically suitable for the proposed office/business park project on the proposed 4 parcels totaling 11 acres. The site will be graded to accommodate the proposal and is located adjacent to existing infrastructure that has the capacity to accommodate the proposal.
4. The site is physically suitable for this type of development. The proposed density of the 4 parcel, 11-acre project is less than the maximum 35% - 40% lot coverage

established by the Planned Development for Village V, Harbor Bay Isle. A future change in ownership pattern will have no effect on the approved density of the site.

5. The design of the subdivision and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Addendum to the Final Environmental Impact Report for the Harbor Bay Isle Development was approved by the City, which evaluated the environmental impacts of the Planned Development and established measures that would mitigate potentially significant impacts to a less than significant level.
7. The design of the subdivision and its improvements will not cause serious public health problems.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Alameda hereby finds, based on substantial evidence, that no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment, there is no new information of substantial importance, and there are no substantial changes to the project.

BE IT FURTHER RESOLVED that the Planning Board hereby recommends that the City Council approve Tentative Map 10006, subject to the following conditions:

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Tentative Parcel Map 10006" prepared by Kier and Wright, Civil Engineers & Surveyors, INC dated 2/15/11 consisting of one (1) sheet, marked Exhibit A, and on file in the office of the Alameda City Planning and Building Department.
2. The Final Map shall be in substantial compliance with the Tentative Map and shall incorporate Alameda Datum.
3. Prior to the recordation of the Final Map, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
4. Hold Harmless. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Community Improvement Commission (CIC), the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, the CIC, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, the Alameda City Planning Board, the CIC, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

5. Prior to the City Council approval or the recordation of the Final Map, the Applicant shall submit a Mylar copy and a CAD file of the improvement plans recorded Final Map.

### **Public Works Conditions:**

#### **Engineering**

1. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
2. The tentative parcel map notes state that the project will have a Reciprocal Easement Agreement (REA). The REA shall be prepared by the developer and approved by the Public Works Director and City Attorney prior to approval of the Parcel Map. Copies of the recorded REA shall be provided to the Public works Director prior to occupancy to of the first building.
3. The tentative parcel map requires the abandonment of small portions of the existing 50' Public Utility Easement (PUE) along Harbor Bay Parkway to allow encroachment of the corner of the proposed four buildings. As part of the parcel map, developer shall include a note as part of the City Clerk Certificates identifying the portions of the PUE to be abandoned in accordance with Government Code Section 66499.20½.
4. The tentative parcel map shows five wind turbines located within the existing 50 PUE between the existing Harbor Bay Parkway curb and path. Having conducted due diligence, applicant/developer has informed the City that the to the best of their knowledge wind turbines do not impact Pacific, Gas & Electric's operations or future extensions. Prior to issuance of any permits for the wind turbines, applicant/developer shall abandon that portion of the PUE where the turbines are located pursuant to Government Code Section 66445(j) which states that the filing of the parcel map shall constitute abandonment of all public easements not shown on the map provided that a

written notation of each abandonment is listed by reference to the recording data or other official record creating the public easement and certified to on the map by the City Clerk or the designee of the legislative body approving the map.

5. The tentative parcel map shows electrical transformer locations. Prior to granting a certificate of occupancy, power easements signed and notarized, shall be provided to the City of Alameda for all Alameda Municipal Power (AMP) transformer locations including conduit runs on the City side of transformer. Easements shall be prepared by a licensed surveyor in the State of California and be approved by the Public Works Department and AMP.
6. The landscape and irrigation plans for improvements in the public right-of-way shall be prepared, signed, and stamped as approved by a licensed landscape architect and shall be in accordance with the previously approved Planning Board resolution for the project. Final landscape plans should ensure that all landscaping and bioswales are compatible with the stormwater treatment measures, designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. As appropriate, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
7. Where existing medians are reconstructed on Harbor Bay Parkway and openings in the median created, irrigation sleeves shall be extended and the existing irrigation system modified as needed to provide coverage without over-spray onto the adjacent street pavement to the approval of the Public Works Superintendent.
8. The landscape and irrigation plans for on-site improvements shall be prepared, signed, and stamped as approved by a licensed landscape architect and shall be in accordance with the previously approved Planning Board resolution for the project. Final landscape plans should ensure that all landscaping and bioswales are compatible with the stormwater treatment measures, designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. As appropriate, IPM principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within

the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Community Development Department prior to approval of the improvements plans or parcel/final map, whichever comes first. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of the on-site landscaping and irrigation was constructed in accordance with the approved plans.

9. The subdivider shall post a refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map.
10. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Parcel Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
11. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a velum or other reproducible set (plans only), and a CD or DVD digital copy acceptable to the City Engineer.
12. A sanitary sewage flow analysis, acceptable to the Public Works Director, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
13. A sanitary sewage treatment capacity analysis for wet weather flows, acceptable to the Public Works Director, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The plan shall identify and mitigate any increase in wet weather flow treatment capacities associated with the development when compared to existing conditions. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
14. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage flow quantities to be generated by the proposed

development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.

15. For all subdivisions and parcel maps, the applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or parcel/final map, whichever comes first. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual building plans.
16. The improvements shall follow the recommendations of the Geotechnical Engineer in the report Titled "Geotechnical Engineering Investigation, VOA site, Harbor Bay Business Park, Alameda, California" dated May 4, 2010, and subsequent additions or revisions, copies of which shall be provided to the City Engineer.
17. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards. Unless waived or modified by the Public Works Director, street improvements shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
18. All new utilities shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit. In addition, when approval of a tentative subdivision/parcel map is required, all existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
19. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a one and a half (1½) inch asphalt concrete overlay, or petromat with a

minimum one inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the Public Works Director.

20. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines.
21. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first.
22. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
23. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
24. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
25. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
26. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
27. Grading and construction equipment shall be shut down when not in use.
28. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
29. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
30. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines –

five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).

31. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
32. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

### **Stormwater, Wastewater and Water**

35. Prior to issuance of a certificate of occupancy, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer or pretreated prior to discharge to storm drain systems.
36. The construction improvement plans shall incorporate permanent stormwater treatment controls and/or design techniques to manage the quantity and quality of stormwater runoff from a planned development to prevent and minimize impacts to water quality. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas. Applicants may refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Manual for technical guidance.
37. The landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. Where feasible, landscaping shall be designed and operated to treat stormwater runoff.
38. The applicant/developer shall submit a plan showing storm water treatment measure(s) required to be constructed to meet the hydraulic sizing design criteria indicated in the C.3.d provisions of the City of Alameda's municipal NPDES storm water permit as part of the improvement plans for the project. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer, licensed in the State of California, and working for



a firm included on the Bay Area Stormwater Management Agencies Association (BASMAA) list of Qualified Post-Construction Consultants for stormwater treatment facility design that indicates that the treatment measure design meets the established sizing design criteria for stormwater treatment measures prior to approval of the improvements plans, parcel/final map, or grading permit, whichever comes first. Effective December 1, 2011, this requirement will also apply to any restaurant, automobile service facility, retail gasoline outlets, restaurants or uncovered parking project of 5,000 square feet or greater.

39. The applicant/developer shall submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and, estimates of annual treatment measure(s) maintenance costs. The O&M Plan shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or grading permit, whichever comes first.
40. The applicant/developer shall submit a Stormwater Treatment Measures Maintenance Agreement (Agreement) as part of the improvement plans for the project. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) stormwater treatment measures; identification of the party responsible for stormwater treatment measures O&M; an instrument of financial assurance, in an amount and form acceptable to the City, from the party responsible for stormwater treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report approved by the City. The Agreement be executed between the project owner and the City and recorded, prior to approval of the improvements plans, parcel/final map, or grading permit, whichever comes first. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda as part of recordation of the parcel/final map.
41. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment

measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director, prior to the issuance of any occupancy permit, including a temporary occupancy permit.

42. Fire sprinkler system test water discharges shall be directed to onsite vegetated areas.
43. The applicant/developer shall submit, in digital format, a Notice of Intent (NOI) form to the California State Water Resources Control Board (SWRCB)'s SMARTS website, indicating the intent to comply with all requirements of the SWRCB Construction Activity Storm Water NPDES General Permit (Permit) and provide documentation to the Public Works Director prior to approval of a grading permit.
44. In compliance with the NOI submittal to the SWRCB, the applicant/developer of any project with a total disturbed area of one acre or greater shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP shall be reviewed and accepted by the Public Works Director or designee. Upon City's acceptance of the plan, applicant/developer shall submit, in digital format, the SWPPP and other required permit registration documents to the SWRCB's SMARTS website and provide the Public Works Director with documentation of the submittal prior to approval of a grading permit.
45. In compliance with the SWPPP, the applicant/developer of any project with a total disturbed area of one acre or greater shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP s during any construction activities.
46. The applicant/developer of any construction project resulting in the potential for soils, construction materials and fluids, waste, and trash to blow or wash into a storm drain, gutter or street shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP), as described in the Alameda Countywide Clean Water Program brochures the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Stormwater Quality Association's Stormwater Best Management Practice, to minimize to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
47. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.
48. Design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is

required, the plans must be approved by the Public Works Director prior to establishment of the use. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system.

### **Traffic and Transportation**

49. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first.
50. Traffic striping in the public right-of-way shall be thermoplastic and shall be cat tracked and approved by the Public Works Director prior to placement.
51. For any off-street parking facilities associated with the subdivision, the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or parcel/final map, whichever comes first.
52. Bicycle parking facility locations and type shall be shown on the construction improvements and shall be based on one space per ten vehicle spaces, which can include dedicated indoor bicycle parking spaces. The facility location and type shall be approved by the Community Development Department prior to approval of the improvements plans and parcel/final map. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.
53. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA

compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.

54. One lane of traffic shall remain open in either direction during working hours and the full street width shall be reopened during non-working hours during construction on Harbor Bay Parkway.
55. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
56. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

### **Environmental**

57. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the Public Works Director prior to establishment of the use. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
58. During the construction/demolition/renovation period of the project, applicant/developer shall use the City's franchised hauler to remove all wastes generated during the project development.
59. When solid waste service in dumpsters is anticipated, applicant must insure that there is adequate space for a solid waste or recycling collection truck to service the external storage area(s). For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. A 40-foot turning radius is adequate for solid waste collection vehicles. Although not required, construction of a concrete pad just outside each solid waste enclosure is

recommended in order to accommodate the truck weight while servicing the dumpster, since asphalt can fail over time at these locations.

60. Applicant must comply with the following internal and external storage requirements for solid waste and recyclable materials:
61. Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste and recyclable storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Total Area (square feet)
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001- 100,000	192	192	384
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste and 48 square feet for recyclables.		

62. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
63. The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.
64. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. A 40-foot turning radius is adequate for solid waste collection vehicles. While not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing dumpsters, since asphalt can fail over time at these locations.
65. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as

directed by the Public Works Director.

66. The design and construction of the storage area(s) shall: a) be compatible with the surrounding structures and land uses; b) be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; c) contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; d) provide a 6-inch wide curb or parking bumpers, at least 3 feet long, should be placed along the interior perimeter of the enclosure walls and between the refuse dumpster and the recycling containers; e) maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and f) protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
67. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.
68. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
69. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied. Dumpster capacity shall be to the satisfaction of the Public Works Environmental Services Division.

NOTICE. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to the approving of a tentative map or final map, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within 90 days after the date of the decision.

NOTICE. The Conditions of Project Approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute

written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. You are hereby further notified that the 90 day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form paying the required fee.

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